

EXHIBIT F

Nataly Villanueva
March 06, 2019

1

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

COPY

3 -----X
4 PETER ALLMAN,

5 Plaintiff,

6 -against-

7 STARBUCKS CORPORATION,

8 Defendant.
9 -----X

10 89-00 Sutphin Boulevard
Jamaica, New York

11 March 6, 2019
12 2:04 p.m.

13
14 DEPOSITION of the Defendant, Starbucks
15 Corporation, by NATALY VILLANUEVA, taken on
16 behalf of the Plaintiff, pursuant to Order
17 and held before, SHIRLEY GONZALEZ, a Shorthand
18 Stenographer and a Notary Public of the State
19 of New York.
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23
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2 A P P E A R A N C E S:

3
4 KRENTSEL & GUZMAN, LLP

5 Attorney for Plaintiff

6 17 Battery Place, #604

7 New York, New York 10004

8 BY: KURT ROBERTSON, ESQ.

9
10 GOLDBERG SEGALLA

11 Attorney for the Defendant

12 665 Main Street

13 Buffalo, New York 14203

14 BY: DANIEL VELEZ, ESQ.

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2 IT IS HEREBY STIPULATED AND AGREED by and
3 between the attorneys for the respective
4 parties herein that the sealing, filing and
5 certification of the within deposition be
6 waived; that such deposition may be signed and
7 sworn to before any officer authorized to
8 administer an oath with the same force and
9 effect as if signed and sworn to before a
10 judge.

11 IT IS FURTHER STIPULATED AND AGREED that
12 all objections, except as to form, are
13 reserved to the time of trial.
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1 N A T A L I E V I L L A N U E V A ,

2 having been first duly sworn by a Notary

3 Public of the State of New York, was

4 examined and testified as follows:

5 BY REPORTER:

6 Q State your name for the record.

7 A Nataly Villanueva.

8 Q State your address for the record.

9 A 51-06 Northern Boulevard, Woodside,
10 New York 11377.

11 EXAMINATION BY

12 MR. ROBERTSON:

13 Q Good afternoon, Nataly. My name is
14 Kurt Robertson. I'm an associate with
15 Krentsel & Guzman. We represent Mr. Allman.
16 I'm going to be asking you some questions with
17 respect to his accident on August 21, 2017.
18 I'll ask that you keep your responses to my
19 questions verbal because the court reporter
20 cannot take down nods of the head or hand
21 gestures. From time to time I may ask you a
22 question that you know the answer to before I
23 finish asking the question. At those times
24 please allow me to ask the entire question
25 before you begin speaking because the court

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reporter can only take down one of us speaking at a time. If you need to take a break at any time, as long as there's no question that I've asked you that you haven't yet answered pending, I don't have a problem with that, just let myself or your attorney know.

Do you understand my instructions to you?

A Yes.

Q Have you ever been known by any name other than Nataly Villanueva?

A Yes.

Q What is that?

A Azucena, A-Z-U-C-E-N-A, Villanueva.

Q Is that a last name?

A That's now my middle name, but it used to be my first name.

Q Used to be Azucena Villanueva?

A Yes.

Q Do you have a middle name?

A Now it's Azucena, that's my middle name right now.

MR. ROBERTSON: Counsel, will you provide the last known address if she's no longer employed?

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MR. VELEZ: Absolutely.

Q What is your date of birth?

A 1990.

Q What's your highest level of
education?

A Associate's degree, college.

Q What college did you attend?

A City Tech, New York City School of
Technology.

Q When did you get that degree?

A Around 2013.

Q No offense, I ask this of everyone.

Have you ever been convicted of a crime?

A No.

Q Was there any medication you were
supposed to take today that you haven't taken?

A No.

Q Are you on any medication now that
would affect your ability to testify?

A No.

Q Are you currently employed?

A Yes.

Q By whom are you employed?

A Starbucks.

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1
2 Q When did you begin working with
3 Starbucks?

4 A Around 2016.

5 Q What was your job title back in 2016?

6 A Barista.

7 Q What is a barista?

8 A A barista usually serves coffee.

9 Q And what's your current job title?

10 A Supervisor.

11 Q When did you become a supervisor?

12 A Like 2017.

13 Q Was that before or after August 21,
14 2017?

15 A That was before.

16 Q Do you remember what month?

17 A Maybe like around January, February,
18 during the winter time.

19 Q Would that be considered a promotion?

20 A Yes.

21 Q What are your duties and
22 responsibilities as a supervisor?

23 A We still have the responsibilities of
24 barista serving customers, we also do cash
25 handling, give out breaks to co-workers and

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2 deployments on the floor, barista go to
3 register or on bar to serve the coffee.

4 Q Is it part of your duties and
5 responsibilities as a supervisor to inspect
6 the store?

7 A Correct.

8 Q What does the inspection of the store
9 entail?

10 A So it entails restocking items like
11 coffee stirrers, coffees, cups, cleanliness in
12 the lobby and as well as the bar and the
13 bathroom and the back of house which is the
14 office.

15 Q With respect to the cleaning of the
16 store, do you do that personally as a
17 supervisor, are there assigned employees who
18 are responsible for that, something else?

19 A In a way like everybody, even the
20 barista, are responsible for the cleanliness.
21 The supervisor's responsibility is to verify
22 that they carry out those tasks.

23 Q Back in August 2017 how many employees
24 were employed at the Starbucks at Woodside,
25 New York, the one on Northern Boulevard?

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2

A Like the whole store?

3

Q Yes.

4

A Maybe around -- less than 20 I want to
say, like 17, 18.

6

Q How many of those would be considered
full-time staff?

8

A Like less than half.

9

10

Q What hours do the full-time staff
work?

11

A Roughly around 35 to 39 hours.

12

Q What hours were the store open?

13

A That day?

14

Q Back in August 2017?

15

A It depends on -- it depends on the
day. I don't know what day that fell on.

17

Q So during the week did the store hours
say from Monday to Friday, were there set
hours?

20

A So from Monday to Thursday it's
different from Friday to Saturday.

22

Q What are the hours from Monday to
Thursday?

24

A Monday to Thursday it's 5:30 a.m. to
10:00 p.m.

25

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2 Q And what about Friday to Sunday?

3 A So Friday to Saturday it's, if I'm not
4 mistaken, 6:00 a.m. to 11:00 p.m.

5 Q And what about Sunday?

6 A Sunday is 6:30 a.m. to 10:00 p.m.

7 Q Do the amount of employees that are at
8 the store vary by day or is it the same amount
9 of employees each day?

10 A Varies each day.

11 Q How do you determine how many
12 employees work each day?

13 A That would be my manager, she looks at
14 the labor compared to like last year if it's
15 just as busy. Like let's say today is as busy
16 as it was last year, it will show on whatever
17 program she uses and she'll determine from
18 then how many people she will need on the
19 floor. It's like assuming that it will be as
20 busy on that day.

21 Q So the amount of employees that are
22 going to be assigned for a particular day are
23 determined by an electronic means?

24 A Right, but she gets to like I guess be
25 flexible with it if necessary, I guess.

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Q What's the program called?

3

A I have no idea.

4

Q What's your manager's name?

5

A Jenny Leung, L-E-U-N-G.

6

Q Was Jenny your manager back on

7

August 21, 2017?

8

A Correct.

9

Q In terms of cleaning the store, is

10

there any type of determination made in terms

11

of how often that should be done or is it

12

pursuant to a written schedule or something

13

else?

14

A So yes, it's kind of like a structure.

15

So it's like -- so we have like the person at

16

register, a person at bar making the drinks

17

and then we have this role called customer

18

support. And the supervisor, one of the tasks

19

is to assign the person where they are going

20

to go.

21

Q Were you done?

22

A So the customer support carries a

23

timer and in case they forget we have a list

24

in the store to show them where they have to

25

start and where they end. And depending on

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2 the time of day they carry out certain cycle
3 tasks and cleaning tasks.

4 Q So what is the purpose of the timer
5 that the customer support person carries?

6 A So the purpose of it is to remind them
7 where they are in their cycle tasks. So once
8 the timer beeps, let's say, they have to go
9 back and start over the tasks, like the first
10 task of the list.

11 Q And the customer support person, are
12 they carrying a typewritten list or a
13 handwritten list of the different tasks
14 they're supposed to do that day?

15 A Yes, they have a typewritten list. We
16 carry it in our office.

17 Q Does that list change day to day or is
18 it the same each day?

19 A Same each day.

20 Q And does Starbucks store have a copy
21 of the list that was in affect on August 21,
22 2017?

23 A I think we should, yes.

24 * MR. ROBERTSON: I request a
25 copy of the list.

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MR. VELEZ: I just ask that you
follow up in writing. Taken under
advisement.

Q Does the customer support person check
off anything on that list to indicate that a
task has been done or how does it work?

A Yes, so there's two cycles that they
have to do within let's say 30 minutes that
the timer is set for. Once they finish their
first cycle they go to their second, and that
second cycle is where all the cleaning lists
happens, like the bathrooms, the sweeping, the
dusting, taking out the garbage to make sure
they're not overflowed, etc. And so to keep
track they use a magnet to like go down per
task in the list.

Q A magnet you said?

A Yes, like a magnet or some type of
clip that we use.

Q And does anybody confirm that the
tasks have been done?

A Yes, that would be the supervisor to
verify.

Q Does the supervisor's part of the

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2 verification make any kind of written notes or
3 anything to confirm that it's done?
4 A No.
5 Q Are any photographs taken in the
6 course of the completion of the tasks?
7 A I'm sorry?
8 Q Do you take any photographs as part of
9 that process?
10 A No.
11 Q Who was the -- is there a record of
12 who the person was that was the customer
13 support person on August 21, 2017?
14 A Yes, and his name is Sayeed Akbar,
15 A-K-B-A-R.
16 MR. ROBERTSON: Off the record.
17 (At this time, a discussion was
18 held off the record.)
19 MR. ROBERTSON: Back on the
20 record.
21 Q Are the bathrooms in the Starbucks --
22 and when I say the Starbucks I'm always going
23 to be referencing the Starbucks at
24 51-06 Northern Boulevard, okay, just so we're
25 clear.

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2

Are the bathrooms in the Starbucks locked?

3

A Depending if it's in use or cleaning

4

or --

5

Q Do you need -- would a customer need

6

to use any type of code or anything in order

7

to access the bathroom?

8

A No.

9

Q Were the bathrooms ever locked?

10

A Depending if we needed to clean the

11

toilet or something.

12

Q Apart from general cleaning if just

13

say in the course of the day prior to

14

August 21, 2017, were those bathrooms locked,

15

do they require like any kind of code to

16

access it?

17

A No.

18

Q It was always open?

19

A Yes. If nobody is in there it's

20

always open.

21

Q How many bathrooms are in the

22

Starbucks?

23

A One.

24

Q That's a unisex bathroom?

25

A Correct.

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2 Q Approximately -- only if you know,
3 approximately how many times a day is the
4 bathroom in use?

5 MR. VELEZ: I'm going to object to
6 the question, but if you know.

7 Q If you know?

8 A Like over hundred times a day.

9 Q And how often is it cleaned?

10 A It's cleaned pretty much every hour.

11 Q And the person cleaning the bathroom
12 every hour would be that same customer support
13 person that you talked about before?

14 A Yes.

15 Q Is any separate record kept either
16 within the bathroom or elsewhere within the
17 Starbucks of the cleaning that's done each
18 time other than that list that he carries with
19 him or she carries with her?

20 A I guess there's what we call a station
21 assessment with in this log for supervisors
22 where we keep track of like weekly cleanings.
23 There's some daily ones, really depends.

24 Q When you say some daily ones, what are
25 you referring to?

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2 A So I refer to like -- the station
3 assessment refers to the cleanliness of the
4 store. So it would be like -- it would differ
5 throughout -- Monday and Wednesday would be
6 different, so it wouldn't be the same, and it
7 would refer mostly to cleaning sinks or
8 drains.

9 Q The station assessment log, is that a
10 written -- a handwritten notation or is that
11 computer generated?

12 A Handwritten.

13 Q And was there a station assessment log
14 for August 21, 2017?

15 A There should be, yes.

16 * MR. ROBERTSON: I'm going to
17 request a copy of the station assessment
18 log in affect on the date of loss.

19 MR. VELEZ: We just ask that you
20 follow up in writing and we'll take it
21 under advisement.

22 Q And who generates the station
23 assessment log?

24 A That's provided by the company.

25 Q By Starbucks?

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2 A Yes.

3 Q And what's done with the logs, are
4 they returned to Starbucks at a certain point,
5 are that kept in the store, something else?

6 A I actually am not sure. My manager
7 would know what's done with that.

8 Q Are any photographs taken as part of
9 the preparation of the station assessment log?

10 A No.

11 Q If you could tell, was this particular
12 Starbucks frequented by homeless people?

13 A Not all the time, not daily.

14 Q Were any complaints ever made to
15 Starbucks about homeless people using either
16 the facilities or the Starbucks generally?

17 A No.

18 Q Does Starbucks keep a log of
19 complaints made by customers or third parties
20 regarding the store?

21 A I'm not sure.

22 Q Who would know that?

23 A Jenny.

24 Q Prior to August 21, 2017, are you
25 aware of any customers flooding the bathroom

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in the store?

A There would be times like -- once I started working there, like once in a blue moon there would be a homeless person, you know, they would like shave in the sink or maybe like even clean themselves up a little to thorough.

Q When you say clean themselves up a little to thorough, what do you mean?

A They would excessively use the sink.

Q What do you mean by excessively use the sink?

A So they will probably take like more than the average time that we use the bathroom, and they use the sink to wash their hair, hygiene purposes.

Q Prior to August 21, 2017, would customers have to make a purchase before getting access to the bathroom or could they just go straight into the bathroom?

A No, you don't have to make a purchase to use the bathroom.

Q The one or two times that you said

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2 there would be someone using the bathroom
3 excessively as you described, was any notation
4 made with respect to those incidents?

5 A Notation?

6 Q Did you generate any kind of written
7 notes regarding the excessive use of the
8 bathroom as you said?

9 A No, no written notes, no.

10 Q Did you have personal knowledge of
11 homeless people using the sink to clean
12 themselves or was that something you were
13 told?

14 A Oh, I have some experience with that.

15 Q How many experiences did you have?

16 A Since I started working there probably
17 like seven to 10 times.

18 Q How many -- you said seven to 10
19 times?

20 A Yes.

21 Q How many times -- how many of those
22 seven to 10 times occurred before August 21,
23 2017, if any?

24 A I'm sorry, can you repeat that?

25 Q Did any of those seven to 10 times

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occur before August 21, 2017?

A Yes, yes.

Q How many?

A Like -- I don't know, like a few.

Q More or less than five?

A Less than five.

Q And more or less than two?

A More than two.

Q Somewhere between two to five?

A Yes.

Q Did you make any type of written notations regarding those two to five times that you had the experiences with the homeless people in the bathroom?

A No.

Q Did you take any photographs during those two to five times that you had the experiences with the homeless in the bathroom?

A No.

Q Did you have to do any cleaning of the bathroom personally or did another employee clean the bathroom?

A Both.

Q How many times did you have to

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2 personally clean the bathroom, and this is now
3 with respect to the two to five times, before
4 August 21, 2017?

5 A Maybe like 50 percent of the time that
6 I've seen.

7 Q How did it come to your attention that
8 a homeless person had used the bathroom?

9 A So the first thing is like when they
10 take too long and the customer will complain,
11 oh, somebody is taking too long in the
12 bathroom, or maybe one of us wanted to use the
13 bathroom and we happen to catch them, or the
14 customer support happens to be when they have
15 to clean the bathroom and they catch it right
16 on time.

17 Q The bathrooms can be locked from the
18 inside?

19 A They can be locked from the inside.

20 Q And can you override the lock from the
21 outside?

22 A Yes.

23 Q Did you ever have to override the lock
24 from the outside while one of the homeless
25 people were inside cleaning themselves?

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2 A No, actually.

3 Q What would you have to do in terms of
4 cleaning the bathroom after the homeless
5 people used it?

6 A So let's say that they created like a
7 mess, like a lot of water on the floor or
8 something like that, so we have to lock the
9 door so customers don't come in. And
10 depending like -- it would mostly be customer
11 support that they would get the wet floor
12 sign, get the mop, a bucket, lock the door and
13 just start cleaning. And usually once they're
14 done mopping or wiping down whatever they
15 needed to wipe down, you would close the
16 bathroom for a couple of minutes until like
17 the floor dries or the bathroom is completely
18 ready for the next customer to use.

19 Q And how long would that process
20 typically take?

21 A Maybe five to 10 minutes.

22 Q Did Starbucks ever refuse access to
23 the bathroom to any of the homeless people for
24 any reason?

25 A Oh, no.

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2 Q Did Starbucks prior to August 21, 2017
3 have any type of policy written or otherwise
4 in terms of who is allowed access to the
5 bathroom?

6 A No, it's a public bathroom.

7 Q In terms of the water on the floor
8 that you would observe during those two to
9 five times, can you describe the area of the
10 floor that would be covered with the water?

11 A It's usually by the sink.

12 Q And how big is the bathroom?

13 A By numbers I wouldn't -- maybe seven
14 by seven or seven by eight feet.

15 Q Seven feet long by eight feet wide?

16 A Yes.

17 Q And when you walk into the bathroom,
18 is the sink the first thing you encounter, is
19 the toilet the first thing or something else?

20 A When you open the door to the bathroom
21 the first thing I would see is the sink.

22 Q And the door to the bathroom, does it
23 open in or out?

24 A Opens out.

25 Q Where is the sink located as you look

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2 at the bathroom, is it to the left, to the
3 right or somewhere else?

4 A So the entrance of the bathroom is to
5 the right, so the sink would be to the right
6 as well.

7 Q And in terms of the toilet, is it I
8 guess beyond the sink?

9 A It's next to the sink, so it would be
10 to the left.

11 Q The toilet is to the left of the sink?

12 A Yes.

13 Q And when you observed water on the
14 ground in the area of the sink, was that water
15 coming from the toilet, was it coming from the
16 sink, do you know how it got there?

17 A From my experience it was normally
18 because it was from the sink. And if there
19 was any liquid found around the toilet it was
20 urine, it would be urine, it would not be
21 water.

22 Q Was there ever a time when the sink
23 was actively overflowing because of I guess
24 excessive use as you testified about earlier
25 because of the homeless?

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2 A No, it was never overflowing.

3 Q And the water that you had observed on
4 the ground prior to August 21, 2017, do you
5 have any idea as you sit here as to exactly
6 how that water came to be on the ground?

7 A I'm sorry, can you repeat that?

8 Q Sure. You said before there were like
9 two to five times that you went into the
10 bathroom to observe water on the ground,
11 right?

12 A Yes.

13 Q Do you know if that water came from
14 somebody spilling water on the ground or
15 somebody spilling water from the sink or some
16 other way, do you have any idea as to how that
17 water came to be on the ground?

18 A We mostly assume it came from the
19 sink.

20 Q And how would it have come from the
21 sink?

22 A So we mostly assume that it would be
23 the person carrying like water with their
24 hands and just like throwing it at themselves.

25 Q To clean up?

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2 A Yes, to clean up.

3 Q Based on your past experiences with
4 this particular bathroom in Starbucks, I know
5 that you described what you said homeless
6 people trying to clean themselves, do you know
7 to what extent they were trying to clean
8 themselves, was it their upper body, face wash
9 or something else?

10 A I do not know to what extent.

11 Q Was there any particular person that
12 you were familiar with, homeless or otherwise,
13 that was using this bathroom to clean up or
14 was it different homeless people each time?

15 A It would be different homeless people
16 each time.

17 Q Would it be homeless men, homeless
18 women or a combination?

19 A Mostly men, it's not all men.

20 Q What are the lighting conditions like
21 in the bathroom?

22 A Probably around -- like the
23 lighting --

24 MR. VELEZ: You mean how the
25 lighting is set up in the bathroom?

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MR. ROBERTSON: Yes.

A Oh, how it's set up?

Q Yes.

A There is a source of light on top of the mirror and there is another one on top of the toilet. I can't remember. I know there's another light source, but I know it's on the ceiling.

Q Do you know the wattage of the bulbs used in the bathroom?

A No.

Q Are the lights in the bathroom always on or do you have to turn them on, do they come on automatically when you walk in, something else?

A No, it's always on.

Q Does anyone check the lights to make sure that no bulb is blown?

A Yes, that would be part of the customer support.

Q Is there any kind of log or notation made in terms of changing of the lights?

A Yes.

Q And was there a log or notation made

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with respect to changing the lights prior to
August 21, 2017?

A I don't remember.

* MR. ROBERTSON: I just request
that a search be performed and if there
is any type of log book with respect
to the inspection and changing of the
lights prior to August 21, 2017, that
it be provided.

MR. VELEZ: Just follow up in
writing. Taken under advisement.

Q Now, August 21, 2017, I'll represent
to you that that was a Monday, would you have
been at work that day?

A Yes, I was at work that day.

Q What time did you start?

A I was closing so I started at
2:00 p.m.

Q And when you say you were closing,
what time were you expected to be there to?

A 10:30.

Q And what were your responsibilities on
that particular day?

A As a supervisor cash handling,

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2 assigning baristas to their designated areas,
3 breaks and closing up the store.

4 Q And was there a particular employee
5 that was responsible for cleaning the store on
6 that particular day?

7 A No, I actually divide the
8 responsibilities between us three to close the
9 store.

10 Q And who are the other employees that
11 were working on August 21, 2017?

12 A I know for sure it was Sayeed Akbar,
13 Karen Geraldo, Karen Castillo. There might
14 have been more, I don't remember.

15 Q Did you perform an inspection of the
16 store at some point -- withdrawn.

17 When you began working on that particular
18 day August 21, 2017, did you do any kind of
19 initial inspection of the store and the area?

20 A Yes. Usually when we come in we have
21 to do what we call a store walk through. And
22 so what I do, I come in as a customer, what a
23 customer would see, is it dusty, if something
24 needs to be restocked and like the service
25 that the baristas provides. So once I grab my

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2 drink, I walk down the lobby, make sure like
3 everything is safe and good to go, I even use
4 the bathroom if it's available. Once I clock
5 in then I review the bar, the register and the
6 bathroom for sure and the back of the house.

7 Q On August 21, 2017 did you do the
8 store walk through?

9 A Yes.

10 Q And with respect to the bathroom in
11 particular, did you also go through the
12 bathroom area?

13 A Yes, I did.

14 Q And did you make any kind of notations
15 when you did that initial walk through of the
16 bathroom?

17 A No.

18 Q Was there any water on the floor when
19 you made that initial walk through of the
20 bathroom?

21 A No.

22 Q What time was it that you did that
23 walk through?

24 A Like 1:45.

25 Q P.m.?

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2 A Yes, 1:45, 1:50 p.m., and then the
3 rest of my walk through was probably five
4 minutes, 2:00 to 2:05 p.m.

5 Q Was anyone accompanying you for the
6 walk through or is that something you did by
7 yourself?

8 A I did it by myself.

9 Q After you began your shift did you do
10 another walk through?

11 A Yes.

12 Q And when did you do that second walk
13 through?

14 A As soon as I clocked in.

15 Q What time was that?

16 A 2:00 p.m.

17 Q And in terms of the second walk
18 through what did you do?

19 A I pretty much did the same thing
20 again, but I mostly focussed on the -- like I
21 mentioned, the bar area, the register, the
22 office and the bathroom.

23 Q And with respect to the bathroom in
24 particular, was there any water on the floor?

25 A Oh, no.

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2 Q Did the bathroom require cleaning at
3 all?

4 A No, it was fine actually.

5 Q Did you ever receive -- forgive me if
6 I asked you this. Did you ever receive any
7 complaints regarding the condition of the
8 bathroom prior to August 21, 2017?

9 A Once in a blue moon like if we run out
10 of toilet paper or the garbage is over full.

11 Q Apart from what you said you noticed
12 with respect to the homeless people, did
13 anyone ever complain to you or anyone else at
14 Starbucks about water on the floor prior to
15 August 21, 2017?

16 A Maybe like once, maybe once a long
17 time ago.

18 Q And was that complaint by a customer
19 or someone else?

20 A My boss.

21 Q And who was your boss at the time that
22 made the complaint?

23 A Jenny.

24 Q Was Jenny a customer at the time or
25 was she working?

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2 A She was working, she was doing her own
3 walk through.

4 Q What did Jenny say to you regarding
5 water on the floor?

6 A Someone needs to mop it.

7 Q Anything else?

8 A That's it, just to check the bathroom
9 and to mop it.

10 Q How long before August 21, 2017 did
11 that conversation with Jenny take place?

12 A It was a long time ago. I just
13 remember because she said it in a very funny
14 way. I could say probably like months before
15 the incident happened.

16 Q And you said she said it in a funny
17 way, how did she say it?

18 A I do remember it being funny, it was
19 like someone needs to go clean the bathroom
20 now, you know, that's how she sounds like to
21 me sometimes.

22 Q Did you clean the bathroom or someone
23 else?

24 A My customer support.

25 Q And what did the customer support

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person do in terms of cleaning the bathroom?

A So since we did need to mop that floor
we would -- he took -- I don't remember what
it was, but I know that the wet floor sign was
taken, took the bucket, the mop, locked the
door and just to wait for the floor to dry
after he was done mopping it.

Q What caused the floor to be wet?

A I don't remember.

Q Was there a leak in the bathroom?

A Oh, no, no.

Q Do you know if the wet floor was
caused by a Starbucks customer or Starbucks
employee or someone else?

A Starbucks customer.

Q Would it have been one of the homeless
people or someone else, to your knowledge?

A I don't know.

Q Did you personally observe the wet
floor?

A Yes.

Q How much water was on the floor?

A It wasn't much. It was -- I could
tell from what I remember it was like around

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2 the sink just a couple of drops, but still she
3 wanted us to clean it thoroughly.

4 Q Apart from that one incident where
5 Jenny told you to clean the water on the
6 floor, were there any other times that you
7 were aware of that somebody complained about
8 water on the floor?

9 A No.

10 Q On August 21, 2017 are you aware of an
11 accident involving Mr. Allman?

12 A Yes.

13 Q Did you witness the accident?

14 A No.

15 Q How did you come to learn of the
16 accident?

17 A To my recollection Sayeed, who was
18 customer support, had informed me because I
19 was in the office.

20 Q Where is the office located?

21 A It's actually next to the bathroom.

22 Q Did you hear anything sounding like an
23 accident, screaming, shouting or anything?

24 A No.

25 Q What did Sayeed say to you?

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2 A He had told me that there was this guy
3 who had slipped in the bathroom.

4 Q Did Sayeed say what caused the
5 gentleman to slip?

6 A He said it was due to water on the
7 floor.

8 Q Were any photographs taken of the
9 bathroom?

10 A No.

11 Q Does Starbucks have any policy or
12 procedure in place with respect to accidents
13 and the taken of photographs?

14 A We do have to file a report whenever
15 there's an incident. In terms of photographs,
16 no, there's no policy to my knowledge.

17 Q Was there anyone else with you when
18 Sayeed advised you of the accident?

19 A No.

20 Q And what did you do after Sayeed told
21 you about the accident?

22 A I went to see the bathroom to see the
23 gentleman.

24 Q Was the gentleman still in the
25 bathroom when you went there?

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2 A Yes, yes. I remember I was trying to
3 help him or it was Sayeed that was trying to
4 help him, but I was there when he was in the
5 bathroom.

6 Q Where was the gentleman when you first
7 got to the bathroom?

8 A I believe he was in the bathroom, like
9 right at the entrance.

10 Q Was he on the ground, was he standing?

11 A No, he was on the ground.

12 Q Can you describe what the gentleman
13 looked like?

14 A Caucasian, tall.

15 Q Approximate age?

16 A He looked like he was in his 40s.

17 Q Did the gentleman complain to you
18 about pain to any parts of his body?

19 A Yes.

20 Q What did he say?

21 A He said that he suffered from hip and
22 back pain, so when he slipped like that pain
23 came back.

24 Q Did he say anything else to you?

25 A No.

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Q Did you assist the gentleman out of
the bathroom?

A The paramedics did.

Q Did you call the paramedics or someone
else?

A I called the paramedics.

Q When you called the paramedics, did
you tell them anything in particular about the
accident?

A Yes, pretty much what Sayeed told me.

Q And what did you say?

A I said that he had fallen -- he had
slipped in the bathroom because there was
water on the floor.

Q How long after you called --
withdrawn.

How long after Sayeed first told you about
the accident did you call the paramedics?

A ASAP. I remember having the phone on
my way to the bathroom just in case, because I
wasn't sure how severe it was.

Q And you said having the phone, is that
your personal phone or a Starbucks phone or
something else?

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A Starbucks.

Q I guess it's a wireless?

A Yes.

Q When you called 911 that was about how long after first noticing the gentleman on the floor?

A Like about less than a minute.

Q How long after you called -- did an ambulance arrive?

A I'm sorry?

Q Did an ambulance come to the scene?

A Yes.

Q How long after you called did the ambulance arrive?

A It was actually pretty quick, it was around like five minutes, six minutes I would say.

Q And did the gentleman leave in an ambulance?

A Yes.

Q How did he leave with the ambulance, did they assist him into the vehicle, taken out in the stretcher, something else?

A He was taken out on the stretcher.

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2 Q Were any photographs taken of the
3 person, the man that fell?

4 A No.

5 Q Did Starbucks have any type of
6 surveillance cameras in the area?

7 A Yes.

8 Q Did you ever review the surveillance
9 footage?

10 A Yes.

11 Q Do you have that surveillance footage
12 today?

13 A No.

14 MR. VELEZ: Your attorney has it.

15 MR. ROBERTSON: Okay. Off the
16 record.

17 (At this time, a discussion was
18 held off the record.)

19 MR. ROBERTSON: Back on the
20 record.

21 Q And did you subsequently prepare a
22 written report or statement regarding this
23 incident?

24 A Yes.

25 MR. ROBERTSON: Mark these,

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please.

(The document referred to,
Confidential Pursuant to Stipulated
Protective Order, Written Statement Form
and Statement 9-4-1, was received and
marked as Plaintiff's Exhibits 1 and 2, as
of this date for identification.)

Q Let's start with Defendant's Exhibit
A, let me know when you've had an opportunity
to go through it?

A (Witness complies). Okay.

Q So what is Defendant's Exhibit A?

A It's an incident report form.

Q Looking in the upper right-hand corner
of Defendant's A, do you see the number there?

A Yes.

Q What does that number indicate?

A The date.

Q The ID 170, do you see that upper
right --

A I'm so sorry.

Q That's okay. What is that for?

A It's an ID number.

Q What does the ID number reference?

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A It's 170824-009649.

Q What is the purpose of the ID number?

A I don't remember.

Q Do you know who put that number there?

A That's my handwriting.

Q Do you know why it was put there?

A I don't remember why I put that there.

Q And this incident report form appears
to be handwritten, was this done in your
handwriting?

A Yes.

Q On the top right corner which says
time of incident 5-6, would that indicate
somewhere between 5:00 and 6:00 p.m.?

A Yes.

Q Where it says store/department manager
Jenny Leung, is that the same Jenny Leung that
you testified about earlier?

A Yes.

Q And next to that where it says Sayeed
and it's indicated customer -- right below
where it says partner, was that the same
Sayeed that you were speaking about earlier?

A Yes.

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2 Q Where it says type of incident and it
3 checks off customer, what is that in reference
4 to?

5 A Oh, who was the victim or like who was
6 involved in the incident.

7 Q And what is the purpose of generating
8 this report?

9 A It was -- it's to describe from like
10 my point of view in with regards to the
11 incident.

12 Q Is there any policy or procedure as to
13 when Starbucks is supposed to prepare an
14 incident report?

15 A Yes, it should be as soon as an
16 incident happens, like soon after.

17 Q And location was that you checked off
18 bathroom?

19 A Yes.

20 Q And that's to indicate that the
21 incident happened in the bathroom area?

22 A Yes.

23 Q So in the area where it says
24 description of incident and it says describe
25 incident in your own words, was this your

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2 description of the incident?

3 A Yes.

4 Q And where did you get this information
5 from?

6 A From what I saw.

7 Q And the second line where it says as
8 he went in he slipped inside the bathroom due
9 to flood, what were you describing when you
10 used the word flood?

11 A So this was describing the water that
12 was on the floor in the bathroom.

13 Q When you observed the water on the
14 floor in the bathroom, was it actively
15 spilling from somewhere?

16 A No.

17 Q How much water was on the bathroom
18 floor when you observed it?

19 A It was like a puddle, it wasn't much.

20 Q How wide was the puddle?

21 A Maybe like I want to say four to five
22 inches.

23 Q Where was the puddle located?

24 A Where I saw from what I remember was
25 from the sink, around the sink area.

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2 Q And about how deep was the puddle?

3 A It was like less -- I'm guessing like
4 less than a quarter -- it was definitely less
5 than an inch, less than half an inch.

6 Q And based on what you observed in
7 terms of the water on the ground, did it
8 appear to be consistent with the water that
9 you had observed previously when the homeless
10 people were cleaning themselves in the
11 bathroom?

12 A No.

13 Q How did it differ?

14 A So from my experience there was way
15 more water when -- whenever like the homeless
16 people come in and wash themselves.

17 Q Prior to this incident on August 21,
18 2017 from the time that you reported in up
19 until the incident did you observe any
20 homeless people enter the Starbucks?

21 A No.

22 Q When was the last time prior to this
23 incident that the bathroom had been cleaned?

24 A I want to say about an hour before or
25 half an hour.

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Q Was there a record of that?

A No.

Q Who cleaned the bathroom?

A Sayeed.

Q Did anyone inspect Sayeed's work with
respect to cleaning the bathroom?

A Yes.

Q Who did?

A Me.

Q And was that within an hour -- sorry,
a half hour to an hour before the incident
that you did the inspection?

A Yes.

Q And did you notice any water on the
ground when you did the inspection?

A No.

Q What was the general condition of the
bathroom when you did the inspection following
Sayeed's cleaning of the bathroom?

A There was toilet paper, everything was
wiped down and the floor was definitely dry
and swept up.

Q Did you perform a search of the
bathroom when you went in when the man was

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there to determine what the source of the
water was?

A Yes.

Q And did you do that by yourself or did
you do that with an employee or something
else?

A With Sayeed.

Q And did you ever make a determination
as to the source of the water?

A We could not find the source.

Q Where did you look?

A We looked under the sink, we looked
around the toilet, we flushed the toilet, we
removed the garbage bin, maybe there was like
a bottled water or a drink, and the sink
itself to see if it was overflowing.

Q At any point in time during the course
of this incident did you ever take any
photographs of the bathroom area?

A No.

Q As you sit here today, do you have any
idea as to what was the source of the water?

A No, I still don't.

Q In the area where it says witnesses

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and it references Sayeed, he's checked off
there's a partner, do you see that?

A Yes.

Q What does that mean?

A He's my co-worker.

Q And at the very bottom of this
document Defendant's Exhibit A is that your
signature?

A Yes.

Q What did you do with this report?

A I filled it out and filed it in a
folder just for incident reports.

Q Did you report this I guess to
Starbucks main office or anyone else?

A Yes, I definitely had to let my
manager know.

Q Jenny?

A Jenny.

Q And did Jenny, to your knowledge,
report this to anyone else within Starbucks?

A Yes, she had to inform her boss, the
district manager.

Q And was any further reporting done
either from the district manager within the

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store or anyone else regarding this incident?

A Not to my knowledge.

Q Looking at Plaintiff's Exhibit 1, let me know when you've had a chance to look at it?

A (Witness complies). Okay.

Q Briefly going back to Defendant's Exhibit A at the very bottom August 21, 2017, do you see the date there?

A Yes.

Q Was that the date this document was prepared?

A Yes.

Q And moving on to Plaintiff's Exhibit 1, what is this document?

A It's another written statement form of Sayeed.

Q Is this document done in Sayeed's handwriting?

A Yes.

Q Why was it prepared?

A Because he had also witnessed the incident with the gentleman.

Q And the signature in the document

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there, is that Sayeed's signature?

A Yes.

Q The partner number, is that Sayeed's
employee number?

A Yes, yes.

Q And the date statement written, that
would be the date that Sayeed wrote this
particular document?

A Yes.

Q And is there any reason why it was
written on September 5 as opposed to the day
of the actual incident?

A Actually, I don't know.

Q Did Sayeed have any help preparing
this document?

A I don't know.

Q Were you with him when he prepared
this document?

A No.

Q Was any other employee with him when
he prepared the document?

A I don't know.

Q Would it have been Starbucks policy
for Sayeed to complete this document on the

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2 day of the incident?

3 A I don't think so, I'm not sure.

4 Q Looking at the description of the
5 incident offered by Sayeed, he references
6 providing a chair to a customer, do you see
7 that, a chair and ice pack?

8 A Yes.

9 Q Was that done in the bathroom area or
10 outside of the bathroom area or somewhere
11 else?

12 A It was in front of the bathroom,
13 outside the bathroom.

14 Q Sayeed in this statement references
15 seeing the gentleman come out of the bathroom.
16 Did he ever tell you that the gentleman came
17 out of the bathroom prior to you coming to his
18 aids?

19 A No, he didn't tell me that.

20 Q Did Sayeed tell you that he had been
21 to the bathroom 10 minutes before?

22 A Yes, he told me.

23 Q When did he tell you that?

24 A He told me as he was -- from what I
25 remember it was either he had told me in the

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office when the incident happened or when I was observing the bathroom with the gentleman outside of the bathroom, it was around there.

Q To your knowledge, when Sayeed went to the bathroom 10 minutes before this incident, was that part of cleaning the bathroom or was he going in there for personal use or something else?

A No, it was part of the cleaning task.

Q And had you performed an inspection of Sayeed's cleaning of the bathroom when he cleaned it 10 minutes before?

A No.

Q Did Sayeed tell you that when he went to the bathroom 10 minutes before it was to clean the bathroom?

A I'm sorry?

Q Did he specifically tell you what when he went to the bathroom 10 minutes before that he was doing so to clean the bathroom?

A Yes.

Q Is there any particular reason why Sayeed wouldn't have noted that he had cleaned the bathroom 10 minutes before?

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2 A He did tell me that he had cleaned it
3 already.

4 Q Would that be the kind of thing that
5 would have been reduced to a written statement
6 as well, in other words would he have put that
7 in a written statement?

8 MR. VELEZ: Just note my
9 objection. If you know what he would
10 know.

11 A I don't understand, I'm sorry.

12 Q Earlier you said that Sayeed told you
13 that he had cleaned the bathroom 10 minutes
14 before, correct?

15 A Yes.

16 Q Would the fact that Sayeed cleaned the
17 bathroom 10 minutes before be relevant to the
18 preparation of the written statement, in other
19 words, is that something that he would make a
20 note of in the written statement per Starbucks
21 policy the last time that the bathroom was
22 cleaned?

23 A Yes, he would have to.

24 Q Did you ever ask Sayeed why he didn't
25 make any notation regarding cleaning the

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bathroom 10 minutes before in the written
statement?

A No.

Q Now, looking at Plaintiff's Exhibit 2?

A (Witness complies). Okay.

Q What is Plaintiff's Exhibit 2?

A It's another written statement I wrote
in regards to the incident.

Q And did you write that as part of the
Starbucks policy?

A Yes, I think so.

Q And what date was this written?

A September 4.

Q 2017?

A Yes, September 4, 2017.

Q And why did you write it at that time?

A I'm not sure. If I'm not mistaken, I
think my boss had told me to write it in my
own words, I don't remember why.

Q Did you advise -- when you say your
boss, are you referring to Jenny?

A Yes.

Q And did you advise Jenny that you had
provided a written description in the incident

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2 report?

3 A Yes.

4 Q Did you ask her why you had to provide
5 another written description?

6 A I don't remember, probably.

7 Q In between August 21, 2017 and
8 September 4, 2017 when you prepared this
9 written document, did you have any further
10 discussions with Jenny or any other Starbucks
11 employees regarding the incident?

12 A No.

13 Q Did you have any meetings regarding
14 the incident?

15 A No.

16 Q When Jenny told you to write this
17 written report, was that on August 21 or was
18 that on September 4 or was it sometime in
19 between?

20 A I think it was on September 4, like
21 the same day.

22 Q Was Sayeed with you at the time?

23 A No.

24 Q Did you prepare this written document
25 with Sayeed?

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2 A No.

3 Q Did you review Sayeed's written report
4 as part of preparation for your written report
5 marked Plaintiff's Exhibit 2?

6 A When I wrote this, no, I didn't see
7 his.

8 MR. VELEZ: For the record, I
9 think Sayeed's report is written the day
10 after.

11 MR. ROBERTSON: Okay.

12 Q Looking at your report you say that
13 around 5:00 to 6:00 p.m. a man came in to the
14 store straight to the bathroom, do you see
15 that in the first line?

16 A Yes.

17 Q Did you observe the gentleman coming
18 into the store?

19 A No.

20 Q Did you observe him going straight to
21 the bathroom?

22 A No.

23 Q Where did you get that information
24 from?

25 A From my baristas that were serving the

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2 coffee or the register.

3 Q Which baristas?

4 A One of them had to be Karen Geraldo.

5 Q Did Karen Geraldo tell you that the
6 gentleman came to the store and went straight
7 to the bathroom?

8 A I can't remember, I don't remember who
9 said what.

10 Q And where it says as he went in he
11 slipped on to the wet floor, you didn't
12 witness that, correct?

13 A No.

14 Q And that's something that you were
15 told?

16 A Yes.

17 Q And who told you that?

18 A Sayeed.

19 Q The next sentence you reference that
20 he assisted the man to a seat next to the
21 bathroom as the man was not able to walk.
22 Were you there to see Sayeed assist the
23 gentleman?

24 A No, I don't think I was, I don't
25 remember.

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2 Q Is that something that Sayeed told you
3 or somebody else told you?

4 A I think -- I don't remember, I don't
5 remember.

6 Q Now, next you say the man said he felt
7 pain in his lower back and hip, is that
8 something the gentleman told you or is that
9 something someone else told you?

10 A The man told me himself.

11 Q This document Plaintiff's Exhibit 2,
12 is it part of another document?

13 A No, no.

14 Q What did you do with this document
15 after you prepared it?

16 A I'm not sure, but I think I had put it
17 in my boss's mailbox, in Jenny's mailbox.

18 Q When Jenny asked you to prepare
19 Plaintiff's Exhibit 2, was that on
20 September 4?

21 A Yes.

22 Q Was she present when you prepared the
23 document?

24 A Yes.

25 Q Is there any reason you didn't give it

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2 to her directly as opposed to putting it in
3 her mailbox?
4 A I think it's because by the time I was
5 done she had probably already left or
6 something, I don't remember.
7 Q Did you prepare any other written
8 statements or documents regarding this
9 incident?
10 A No.
11 Q After this incident, at any point
12 after this incident, did you ever speak to
13 Mr. Allman?
14 A No.
15 Q Are you aware of any other accidents
16 involving the bathroom at the Starbucks?
17 A No.
18 Q And on Plaintiff's Exhibit 2 you again
19 use the word flood to describe the water, do
20 you see that?
21 A Yes.
22 Q Is that something that someone else
23 told you to do or is that your own words?
24 A That was based on how Sayeed described
25 it to me.

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2 Q And is that also based on your own
3 personal observation or is it based solely on
4 what Sayeed described to you?

5 A What he had described to me.

6 MR. ROBERTSON: Thank you, I have
7 nothing further.

8 MR. VELEZ: I just have a couple
9 of follow-up questions.

10 EXAMINATION BY

11 MR. VELEZ:

12 Q You mentioned earlier that the
13 bathroom in the Starbucks is inspected
14 approximately every hour, is that right?

15 A Yes.

16 Q When you testified earlier you
17 mentioned that the customer support employee
18 cleans the bathroom approximately every hour,
19 is that right?

20 A Yes.

21 Q Okay. Do the inspection times differ
22 in any way, and what I mean by that is is the
23 bathroom inspected at a different interval of
24 time, meaning is it inspected at a shorter
25 frequency of time than the bathroom is

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2 cleaned?

3 A Oh, definitely, yes.

4 Q Approximately -- and is that based
5 upon the cleaning cycle for the customer
6 support partner?

7 A I'm sorry?

8 Q Is that based upon the cleaning cycle
9 for the customer support partner?

10 A That and also because I want to look
11 at it just in case.

12 Q Okay. So would you perform
13 inspections of the bathroom during the course
14 of your shift?

15 A Definitely, yes.

16 Q And would the customer support partner
17 also conduct inspections of the bathroom
18 during his or her shift?

19 A Yes.

20 Q And that would have been Sayeed on the
21 date of the accident as the customer support
22 partner?

23 A Yes.

24 Q And you mentioned earlier that in
25 Plaintiff's Exhibit 1 Sayeed mentioned that he

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was in the bathroom about 10 minutes before
the accident, is that right?

A Yes.

Q And he did not observe any floods of
any kind in the bathroom?

A No.

Q Do you remember -- withdrawn.

You mentioned that the customer support
partner wears some sort of device that goes
off in terms of explaining the cycles of the
inspections and the cleaning?

A Yes, the timer, yes.

Q Okay. And is that something that the
customer support partner wears on his or her
uniform?

A Correct.

Q Okay. And is that set to a specific
time interval that it goes off?

A Yes.

Q And at or around the time of this
accident which was August 21, 2017 between
5:00 and 6:00 p.m., do you know sitting here
today what the timer was set for for the
customer support partner for inspections and

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2 cleaning?

3 A Around there would have been a
4 30-minute timer.

5 Q And in that 30-minute timer that
6 customer support partner would have to perform
7 specific tasks, is that right?

8 A Yes.

9 Q And one of those tasks would be to
10 perform an inspection of the bathroom, is that
11 right?

12 A Yes.

13 Q On any of your prior inspections of
14 the bathroom before the time of the accident,
15 did you ever observe a flood of water on the
16 bathroom floor in front of the toilet?

17 A No.

18 Q On any of your prior inspections of
19 the bathroom before the time of the accident,
20 did you ever observe any running water seeping
21 out of the bathroom door?

22 A No.

23 Q The water that you observed on the
24 floor in the bathroom after Mr. Allman's
25 accident, was that in front of the toilet?

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2 A I can't remember. I think it was more
3 near towards the sink.

4 Q And that would be to the right of the
5 toilet?

6 A Yes.

7 Q And that would be up against the right
8 wall of the bathroom?

9 A Yes.

10 Q How far away would you say the -- I
11 think you said it was about a four-inch puddle
12 of water?

13 A Yes.

14 Q About how far away would you say that
15 four-inch puddle of water was from the toilet?

16 A Maybe about half a foot away.

17 Q And when you first observed the water,
18 was the toilet overflowing in any way?

19 A Was the what?

20 Q The toilet overflowing in any way?

21 A No.

22 Q Was the sink overflowing in any way?

23 A No.

24 Q Did you ever receive any complaints
25 from any customers or any Starbucks partners

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regarding a homeless individual using the
bathroom on the date of the accident?

A No.

Q Do you remember the last time that you
observed a homeless individual using the
bathroom before the date of the accident?

A Probably like a month ago.

Q And had you performed any inspections
of the bathroom after that homeless individual
used the bathroom about a month before the
accident?

A Yes.

Q And did you observe any water on the
floor during that inspection?

A Yes.

Q And was that water closer to the
toilet or the sink or something else?

A It was barely anything really, to be
honest.

Q Can you describe what it is that you
saw?

A Dry floor definitely. I feel like he
wasn't there to like clean himself in that
sense but maybe he did, but it was just like

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maybe a couple of drops on the floor but
mostly dry, the toilet was fine, the sink
wasn't on or anything.

Q Was the sink overflowing in any way?

A No.

Q And when you performed that inspection
about a month before the accident, did you see
any floods of any kind anywhere on the floor
in the bathroom?

A No.

Q Did you receive complaints from anyone
on the date of the accident regarding water on
the floor in the bathroom at any time before
the accident occurred?

A No.

MR. VELEZ: That's all I have.

MR. ROBERTSON: No questions,
thank you.

(Jurat continued on next page.)

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(Time noted: 3:31 p.m.)

NATALY VILLANUEVA

Subscribed and sworn to before me
this ____ day of _____, 2019.

Notary Public

Nataly Villanueva
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PLAINTIFF'S	DESCRIPTION	FOR IDENT.
1 & 2	Confidential Pursuant to Stipulated Protective Order, Written Statement Form and Statement 9-4-1.42-3	

INFORMATION REQUESTED	PAGE
Copy of list in affect on August 21, 2017.	12-24
Station assessment log in affect on date of loss.	17-16
Log book of inspection and changing of lights prior to August 21, 2017.	29-5

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